

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DATA DETECTION SYSTEMS, LLC

Plaintiff,

v.

BMC SOFTWARE, INC.,

Defendant.

Civil Action No. 4:09-CV-01204

JOINT STIPULATION OF DISMISSAL OF BMC SOFTWARE, INC.

Plaintiff Data Detection Systems, LLC (“DDS”), and Defendant BMC Software, Inc., (“BMC”) hereby inform the Court that they have resolved the dispute between them.

Accordingly, in accordance with Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, DDS hereby dismisses with prejudice the claims asserted against BMC in this action, and BMC dismisses with prejudice all claims and counterclaims against DDS in this action. The parties stipulate that each party will bear its own costs and attorneys’ fees relating to the dismissed claims.

Dated: December 29, 2009

Respectfully submitted,

By: /s/ Jonathan T. Suder
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Respectfully submitted,

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Counsel for Defendant
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on December 29, 2009 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail.

/s/ Jonathan T. Suder